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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,886	09/06/2000	Jeffrey L. Hirka	47004.000084	8892
21967	7590	11/17/2005	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			CHENCINSKI, SIEGFRIED E	
		ART UNIT	PAPER NUMBER	
		3628		
DATE MAILED: 11/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/655,886	HIRKA ET AL.
	Examiner	Art Unit
	Siegfried E. Chencinski	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 February 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-51 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-51 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d)..

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Detailed Action

Reopening of Prosecution

In view of the Appeal Brief filed on February 16, 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 1-51 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Atkins (US Patent 5,644,727) in view of Schein et al. (US Patent 6,226,623, hereafter Schein).

Re. Claims 1 & 24, Atkins discloses a system and method for processing electronic transactions, comprising:

- a first interface to at least one cash account against which charges incurred through use of a linked account instrument are drawn (Col. 42, ll. 53-58), including the automatic sweep feature (Atkins teaches an expert sweeps function to execute a client's financial affairs – Abstract, ll. 17-20; Col. 7, ll. 42-45; Coll. 8, ll. 43-44, and to effect automated transactions (Fig. 1-14; Col. 9, ll. 38-39; Col. 10, ll. 1-5; Col. 13, ll. 30-34; Col. 29, 3-25; Col. 42, ll. 47-53, 60-63, including debit card, credit card, Smart Cards™, electronic checks, payroll debits and various other transaction facilities. The linked accounts are obviously inferred since the features disclosed by Atkins could not operate without linkage. However, Atkins does not explicitly state linked accounts, even though their use is obvious and essential because the account sweeps taught by Atkins are part of Atkins' account linkage system. In the alternative, Schein further teaches a linked accounts system used by Citibank (Col. 4, ll. 45-56);
- a second interface to at least one credit account used to back up a cash account in the event of insufficient funds in the cash account to cover the charges incurred through the use of the linked account instrument (Abstract – ll. 17-21; credit facilities such as a Home Equity Loan facility, a line of credit, a credit card, including the operation of credit facilities – Col. 13, ll. 44-45; Col. 43, ll. 49-51. Col. 42, ll. 57-63. Atkins' basic system and method teaches at its core the principle of automated credit backup of cash transaction accounts . Further, Atkins teaches a wide variety of options which a financial institution and a customer can choose from (Title – "Operation and Management of One or More Financial Accounts .. for Exchange, Investment and Borrowing", which encompasses the general purpose of financial institution services. For the financial Institution – Col. 7, ll. 48-50; Col. 11, ll. 3-5, 10-13, 18-23; For the

Customer - Abstract, II. 4-10). Atkins' rules options permit a customer user to choose any of or a combination of schemes for holding funds in one or more cash accounts, and/or for always having a zero balance in a cash account so that transactions drawn on such a cash account would always be funded by a designated credit instrument such as a points earning card, a home equity line of credit, and so forth. Interaction between the financial institution's policies and the customer user's preferences would have been obvious to an ordinary practitioner of the art; and

- (including claim 24 b)) an authorization server, communicating with the first interface and the second interface, the authorization server authorizing individual transactions against a pre-determined cumulative limit (Col. 34, II. 9-11. It is a well known banking practice to sweep linked accounts once daily as part of a daily transaction cycle) on said at least one cash account, and performing sweeps of said at least one cash account at predetermined times (e.g. daily) to determine whether said at least one cash account contains sufficient funds to cover the charges incurred through use of the linked account instrument. (Atkins teaches the operations of servers, and fault tolerant real time computer systems (Col. 1, II. 23-27; Col. 11, II. 54-59), and explicitly describes an authorization function (check authorization systems – Col. 10, I. 4). Atkins teaches the use of predetermined limits which are established by the account owner, beginning in the Abstract – II. 20-30, and continued in Col. 34, II. 9-11, through the rules feature which asks the user to establish rules such as how often or when to sweep the linked accounts and what transaction limits to impose on various accounts such as cash accounts and credit facilities. Such applications of Atkins' teaching would have been obvious from Atkins to an ordinary practitioner of the art at the time of Applicant's invention).
- Claim 24, a) interfacing to an authorization server to authorize individual transactions initiated through use of a linked account instrument against a predetermined cumulative limit on said at least one cash account (The options available to the customer user and their financial institution, and what would be

suggested by traditional practices of banking institutions, would have made it obvious to the ordinary practitioner of the art to apply transaction limits to a cash account, such as a cumulative dollar limit over any specified period of time, such as a day, and/or a month).

Schein teaches that linked online transaction accounts were pioneered by Citibank in 1976 and 1977, including the linkage to a line of credit to back up a transaction account, such as a checking account (Col. 4, ll. 45-56). Schein discloses that such offerings proceeded to spread throughout the banking world in the ensuing years. Schein teaches the story of Citibank's continuing building upon this pioneering concept with increasingly sophisticated and flexible linked account offerings (Col. 5, ll. 6-57).

It would have been obvious to an ordinary practitioner of the art at the time of Applicants' invention to have combined the teachings of Atkins with the teachings of Schein in order to provide automated linked bank account facilities to customers to back up a cash account with a credit account in case of insufficient funds for a cash transaction in a cash account, and to make this automated back-up linkage work through the employment of an automated sweep feature operating at predetermined times such as daily and/or monthly, and to have a server manage the authorization step according to predetermined rules. A motivation for this combination would have been to offer an improved integrated communications network that integrates customer information at a financial institution and makes this integration available from remote locations for the benefit of customers (Schein, Col. 7, ll. 43-46).

Re. Claims 2-23 & 25-49:

Re. Claim 2 & 25, Atkins teaches or suggests a system and method wherein said at least one cash account comprises at least one demand deposit account (Fig. 3 – A Demand Deposit Account is obvious).

Re. Claim 3 & 26, Atkins teaches or suggests a system and method wherein said at least one demand deposit account comprises a plurality of demand deposit accounts (Fig. 3; Col. 10, ll. 1-6; A Demand Deposit Account would have been an obvious option,

especially since demand deposit accounts serve as a core transactional account for a large percentage of banking customers' accounts.).

Re. Claim 4 & 27, Atkins teaches or suggests a system and method of holding a cash account at any financial institution (Col. 27, line 56 – Col. 28. The cash account at any financial institution would have been an obvious option.).

Re. Claim 5 & 28, Atkins teaches or suggests a system and method of maintaining a plurality of credit accounts (Col. 27, line 56 – Col. 28, line 25; Col. 29, lines 3-25. The use of a plurality of credit accounts would have been an obvious option.).

Re. Claim 6 & 29, Atkins teaches or suggests a system and method of holding a credit account at any financial institution (Col. 27, line 56 – Col. 28, line 25; Col. 29, lines 3-25. The use of a plurality of credit accounts would have been an obvious option.).

Re. Claim 7 & 30, Atkins teaches or suggests a system and method of providing an associated credit line for said at least one credit account that is at least equal to the predetermined cumulative limit (Col. 29, lines 5-6. Establishing and maintaining a credit limit which is at least equal to the cumulative dollar limit established for overdrafts in the demand account the credit facility backs up would have been an obvious option for a coordinated decision in the establishment and application of rules.).

Re. Claim 8 & 31, Atkins teaches or suggests a system and method, wherein the authorization server comprises an account information database, an account balance database, and a transaction history database (Col. 7, lines 27-30; Col. 28, line 66 – Col. 29, line 2).

Re. Claim 9 & 32, Atkins teaches or suggests a system and method of generating individual automated clearing house (ACH) debits for each transaction initiated with the linked account instrument, and authorized by the authorization server (Atkins teaches the well known ACH component of the banking system in Col. 3, TABLE 2-A1 and col. 5, TABLE 21-2 as the first line item under "Electronic" in each table, and financial institutions' operation of the system – Col. 7, lines 47-53. ACH transaction information is an obviously available type of information to provide to a customer in this system.).

Re. Claim 10 & 33, Atkins teaches or suggests a system and method of processing the automated clearing house debits against a cash account via an automated clearing house (This is obvious in Atkins's teaching since the system is to be operated by a financial institution such as a bank clear inter-bank debits through the ACH system they are part of - Col. 7, lines 47-53).

Re. Claim 11 & 34, Atkins teaches or suggests a system and method of processing the automated clearing house debits in the order in which they were generated (This FIFO method is an obvious rule to follow with ACH clearings in Atkins' teaching due to bank operation of the system. Also, processing according to a predetermined set of rules is an obvious option in Atkins through the establishment of predetermined rules - Col. 7, lines 20-30.).

Re. Claim 12 & 35, Atkins teaches or suggests a system and method of processing each automated clearing house debit against a cash account based on the relative size of its amount (The rules based method of processing debits is well known to sometimes be based on the relative dollar size of the debits and would have been an obvious option to follow in a bank operation to clear ACH debits. Also, processing according to a predetermined set of rules is an obvious option in Atkins through the establishment of predetermined rules - Col. 7, lines 20-30).

Re. Claim 13 & 36, Atkins teaches or suggests a system and method of processing the smallest debit amounts against a cash account first, leaving larger debits that cannot be satisfied by the cash account to be processed against a credit account (The ordinary practitioner would have found this as an obvious option, for example, in order to minimize the number of transaction charges for the employment of the credit back-up facility.).

Re. Claim 14 & 37, Atkins teaches or suggests a system and method of processing the largest debit amounts against said at least one cash account first, leaving smaller debits that cannot be satisfied by said at least one cash account to be processed against said at least one credit account (This option would have been obvious if the back-up transaction fees were based on the size of the of the back-up

transaction such that the cumulative back-up transaction costs would be minimized in this manner.).

Re. Claim 15 & 38, Atkins teaches or suggests a system and method of processing an entire debit amount against a credit account in the event that there are funds in the cash account that can only cover a percentage of the debit amount (The ordinary practitioner would have found it obvious to establish this option in order to minimize the number of transactions over a series of days to minimize transaction costs or possibly serve other purposes).

Re. Claim 16 & 39, Atkins teaches or suggests a system and method of processing a first percentage of the debit amount against a cash account and a second percentage of the debit amount is processed against a credit account in the event that there are funds in the cash account that cannot satisfy the entire debit amount (This is another obvious variation of the ways debits can be managed. In this case the motive would be maximize the use of the funds available in a cash account and minimize the use of credit.).

Re. Claim 17 & 40, Atkins teaches or suggests a system and method wherein the predetermined cumulative limit is a daily limit (Daily limits n a transactional account were well known and would have been obvious to the ordinary practitioner to consider offering).

Re. Claim 18 & 41, Atkins teaches or suggests a system and method of ceasing to authorize additional transactions attempted with the linked account instrument once the predetermined cumulative limit has been reached (This was also a well practice at the time of Applicant's invention. Atkins per establishment of predetermined rules; Abstract – lines 25-28).

Re. Claim 19 & 42, Atkins teaches or suggests a system and method of ceasing to authorize transactions attempted with the linked account instrument if a first sweep the cash account finds insufficient funds to satisfy previous charges incurred through use of the linked account instrument (This was another obvious option for the ordinary practitioner on the basis that a prior finding of insufficient funds can be used to bypass

this account until a future event has occurred, such as a replenishment of funds to the account.).

Re. Claim 20 & 44, Atkins teaches or suggests a system and method of refreshing the predetermined cumulative limit and authorizing transactions after the credit account has been cleared (Atkins' rules system made this an obvious option for the ordinary practitioner).

Re. Claim 21 & 45, Atkins teaches or suggests a system and method of charging a user of the linked account instrument a fee for use of a credit account (Col. 11, lines 3-27, particularly suggested by line 16).

Re. Claim 22 & 46, Atkins teaches or suggests a system and method of continuing to cease authorization of transactions attempted with the linked account instrument if a predetermined number of subsequent sweeps of a cash account fail to find sufficient funds to satisfy the charges incurred through use of the linked account instrument (This is a well known past practice among banks; Abstract – lines 25-28).

Re. Claim 23 & 47, Atkins teaches or suggests a system and method of continuing to authorize linked account instrument transactions up to the predetermined cumulative limit against available credit on a credit account, even if a first sweep of said at least one cash account finds insufficient funds to satisfy previous charges (This practice or rule is obvious on its face since it is only making use of a pre-established back-up credit facility).

Re. Claim 43, Atkins teaches or suggests a method further comprising the step of clearing a credit account if a subsequent sweep of a cash account finds adequate funds to satisfy those funds temporarily covered by the credit account (Atkins' rules system also made this an obvious option for the ordinary practitioner).

Re. Claims 48 & 49, Atkins teaches or suggests a system wherein an authorization server is configured to automatically withdraw funds from a cash account to cover at least part of the charges incurred through use of the linked account instrument (Cash account – an obvious suggestion in Col. 29, II. 3-6; linkage - Column 9, II. 32-39, Col. 10, II. 1-10; real-time transaction processing - Col. 1, II. 23-26. Further,

banks have been known to follow this practice as a bank policy or to do so based on a prior agreement with the customer).

Therefore, re. Claims 2-23 & 26-49:

it would have been obvious to an ordinary practitioner of the art at the time of Applicants' invention to have combined the teachings of Atkins with the teachings of Schein and well known practices to provide automated linked bank account facilities to customers to back up a cash account with a credit account in case of insufficient funds for a cash transaction in a cash account, and to make this automated back-up linkage work through the employment of an automated sweep feature operating at predetermined times such as daily and/or monthly, and to have a server manage the authorization step according to predetermined rules. A motivation for this combination would have been to offer an improved integrated communications network that integrates customer information at a financial institution and makes this integration available from remote locations for the benefit of customers (Schein, Col. 7, ll. 43-46).

Re. Claim 50, Atkins discloses a method for accessing funds in at least one cash account, comprising the steps of:

- a) interfacing to an authorization server to authorize individual transactions initiated through use of an accounts sweep function instrument (Numerous Interfaces are obviously in use in Atkins to permit the performance of many transactions in a linked accounts system and methods, and Atkins does occasionally make reference to interfaces, such as in Col. 42, ll. 53-55. Atkins teaches an expert sweeps function to execute a client's financial affairs – Abstract, ll. 17-20; Col. 7, ll. 42-45; Coll. 8, ll. 43-44, and to effect automated transactions (Fig. 1-14; Col. 9, ll. 38-39; Col. 10, ll. 1-5; Col. 13, ll. 30-34; Col. 29, 3-25; Col. 42, ll. 47-53, 60-63, including debit card, credit card, Smart Cards™, electronic checks, payroll debits and various other transaction facilities. The linked accounts are obviously inferred since the features disclosed by Atkins could not operate without linkage. However, Atkins does not explicitly teach linked accounts, even though their use is obvious and essential

because the account sweeps taught by Atkins are part of Atkins' account linkage system. In the alternative, Schein further teaches a linked accounts system used by Citibank (Col. 4, ll. 45-56); and

b) performing at least one automatic withdrawal from said at least one cash account to satisfy at least part of the charges incurred through use of the linked account instrument (Atkins teaches the use of checking accounts, money market accounts, certificates of deposit, which are all cash accounts with various limitations for use, and also the earning of employment income as the primary source cash (Col. 17 & 18, Tables 4 and 5). Further, Atkins teaches the various kinds of transactions in a person's financial activities (Col 28, l. 66 – Col. 29, l. 25.). Wages are included (Col. 29, l. 8. Additional transactions types taught by Atkins include interest, dividends and asset disposition. Transaction means include debit and credit card, Smart cards, ATM's and other means. Since it common practice to use checking accounts for transaction purposes, automatic withdrawals from at least one cash account would have been obvious features from Atkins to an ordinary practitioner of the art, since Atkins teaches a comprehensive financial account management system which includes incoming funds into a cash account, and the distribution of such funds among the user customer's other financial accounts according to the customer's personally chosen funds management rules and their interaction with the financial institution's account management rules).

Atkins does not explicitly disclose a predetermined cumulative limit on said at least one cash account. However, the options available to the customer user and their financial institution, and knowledge of the traditional practices by banking institutions, would have made it obvious to the ordinary practitioner of the art to apply transaction limits to presented to a cash account, such as a cumulative dollar limit over any specified period of time, such as a day, a week, or a month.

Re. Claim 51, Atkins discloses a system for processing electronic transactions, comprising:

- a first interface to at least one cash account against which charges incurred through use of a (Col. 9, ll. 32-39; Col. 10, l. 4);

- a second interface to at least one credit account used to back said at least one cash account in the event of insufficient funds in said at least one cash account to cover the charges incurred through the use of the linked account instrument (Col. 7, II. 20-30; Col. 7, I. 66 – Col. 8, I. 10; Col. 10, II. 1-4; Col. 9, II. 32-39. Back-up of a cash account is an obvious option in the Atkins teaching); and
- an authorization server, communicating with the first interface and the second interface, the authorization server authorizing individual transactions against a pre-determined cumulative limit on said at least one cash account, performing sweeps wherein funds are withdrawn from said at least one cash account at predetermined times, and, if funds are not available from said at least one cash account, using the at least one credit account until the at least one cash account contains sufficient funds to cover the charges incurred through use of the linked account instrument (Atkins teaches the operations of servers, and fault tolerant real time computer systems (Col. 1, II. 23-27; Col. 11, II. 54-59; Col. 30, I. 62 – Col. 31, I. 7), and explicitly describes an authorization function (check authorization systems – Col. 10, I. 4). Atkins also teaches the use of predetermined limits which are established by the account owner, beginning in the Abstract – II. 20-30; Col. 7, II. 20-30, 42-45; Col. 8, II. 43-44).

Atkins does not explicitly disclose the use of linked account instrument. However, Schein teaches that linked online transaction accounts were pioneered by Citibank in 1976 and 1977, including the linkage to a line of credit to back up a transaction account, such as a checking account (Col. 4, II. 45-56). Schein discloses that such offerings proceeded to spread throughout the banking world in the ensuing years. Schein teaches the story of Citibank's continuing building upon this pioneering concept with increasingly sophisticated and flexible linked account offerings (Col. 5, II. 6-57).

It would have been obvious to an ordinary practitioner of the art at the time of Applicants' invention to have combined the teachings of Atkins with the teachings of Schein in order to provide automated linked bank account facilities to customers in order to back up a cash account with a credit account in case of insufficient funds for a cash transaction in a cash account, and to make this automated back-up linkage work

through the employment of an automated sweep feature operating at predetermined times, and to have a server manage the authorization step according to predetermined rules. A motivation for this combination would have been to offer an improved integrated communications network that integrates customer information at a financial institution and makes this integration available from remote locations for the benefit of customers (Schein, Col. 7, ll. 43-46).

Response to Arguments

2. Applicant's arguments dated February 16, 2005 with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

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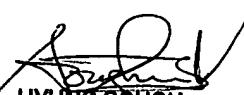
(571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above
USPTO web site in Alexandria, VA.

SEC

November 14, 2005



HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600